

Environmental Affairs
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March 28, 2003

Ms. Rebecca E. Kane
U.S. Environmental Protection Agency
Ariel Rios Building (MC:2222A)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Comments of Georgia Power Company on EPA's Enforcement and Compliance History Online Web Site

Dear Ms. Kane:

On November 20, 2002, the United States Environmental Protection Agency (EPA) invited comments on the accuracy and ease of use of the pilot Enforcement and Compliance History Online (ECHO) web site. 67 *Fed. Reg.* 70079 (2002). Georgia Power Company (GPC) endorses the comments submitted under separate cover by the Utility Air Regulatory Group (UARG) and the Utility Water Act Group (UWAG). Through its review of the ECHO web site, GPC has identified a number of serious factually-inexplicable errors regarding the compliance status/history at GPC facilities. These errors, coupled with the web site's lack of appropriate context, demonstrate that the database is prone to inaccuracies and misleading data. The following comments are provided by way of example and are specific to Clean Air Act items included in the ECHO web site reports for GPC operated facilities.

CAA Violations are Reported where None Exist

The ECHO database lists CAA "SIP Violations" for GPC's Arkwright, Bowen, Hammond, and Yates facilities for all eight quarters – including the current quarter for which no data has yet been submitted by these facilities. The notation is a simple "V-NO SCH," apparently indicating a violation with no compliance schedule. The eighth (or current) quarter also includes a variety of "V-NO SCH" listings for NO₂, SO₂, and/or Total PM. No detail is provided to identify the basis for the violation and, more to the point, we are not aware of any issued Notices of Violation. It is especially troublesome that violations are listed for the current quarter when there have been no inspections and no data will even be reported until 30 days following the end of the quarter. In addition, GPC's Arkwright facility is being retired and has not even operated in the last two reported quarters, yet ECHO/EPA still list violations of the SIP and Total PM. EPA

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should remove all references to these violations and explore the mechanism that allows violations to be reported for a current quarter with no opportunity for supporting data.

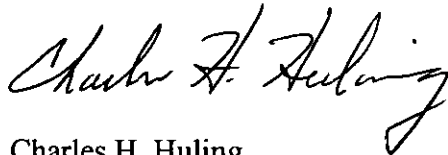
Disputed Allegations

The database also inappropriately states that there are "violations" of New Source Review requirements at Plants Bowen and Scherer. As EPA is well aware, these allegations have been challenged and are currently under litigation before the U.S. District Court for the Northern District of Georgia. It is inappropriate, inaccurate, and misleading to simply list these allegations as "violations" on this web site. Therefore, these items should be removed from the web site, or at least any such notice should state that the violations are "alleged" and under appeal.

Conclusion

Georgia Power Company supports EPA's efforts to provide accurate information for public use. However, the errors in the ECHO web site data raise serious questions about this approach. We recommend the web site be suspended until a process is developed that addresses minimizing errors, timely correction of any errors, as well as addressing issues presented in the comments of UARG and UWAG. If you have any questions regarding the comments, please contact Steve Ewald (404-506-7710).

Sincerely,

A handwritten signature in cursive script, reading "Charles H. Huling". The signature is written in dark ink and is positioned above the printed name and title.

Charles H. Huling
Manager, Air Programs

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